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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,821	07/16/2003	Martin Visocnik	VISGROW03-01	1242

52396 7590 05/19/2006
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EXAMINER

EPSHTEYN, ALEXANDER

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/620,821	Applicant(s) VISOCNIK, MARTIN	
	Examiner Alex Epshteyn	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/16/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

Claim 23 is objected to because of the following informalities: The word "centralised" should be changed to "centralized". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 11, 24, 25, 26, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipate by Stupak (US Patent 5,695,402).

In regards to claim 1, 24, and 30, Stupak teaches of a gaming console and method of playing the game comprising a display, a game controller, a stake selector, and a game initiation means wherein on initiation by the game initiation means in a primary game, the game controller selects a plurality of symbols and displays the

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selected symbols on a display and awards any prizes based upon the stakes wagered on winning combinations of the symbols (1: 55-67). A secondary prize is also awarded in the event of a trigger condition, where the trigger condition is not dependent on the combinations of selected symbols in the primary game and wherein the trigger condition is proportional to a quantity determined by the result of the primary game (5: 1-7), wherein the quantity is the quantity of the wager for which no prizes are awarded in the primary game, the number of losing combinations in the primary game, and the amount of the prize awarded in the primary game (3: 40-45).

In regards to claim 2, Stupak teaches of a gaming console with a display that is composed of video screens (4: 60-65).

In regards to claim 3, Stupak teaches of a gaming console wherein the game controller is an electrical device with a plurality of symbols that are displayed on a display (4: 60-65).

In regards to claims 4 and 5, Stupak teaches of a stake selector and game initiation that is in the form of a physical button (3: 5-10).

In regards to claim 6, Stupak teaches of a gaming console where the primary game is a spinning reels game (4: 60-65).

In regards to claims 7, 8, 11, 25, 26, and 29, Stupak teaches of a probability of a triggering condition that is proportional to the quantity of the wager for which no prizes are awarded in the primary game, the number of losing combinations in the primary game, and the amount of prize awarded in the primary game (3: 40-48).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9, 10, 12-23, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stupak and further in view of Glavick (US Patent 6,309,300).

In regards to claims 9, 10, 27, and 28, while Stupak does not teach of a gaming console wherein the probability of a trigger condition to be proportional to the quantity of stake wagered on winning combinations or the number of winning combinations, it would be obvious to one skilled in the art to modify Stupak to include not only a trigger event of losing combinations but also a trigger event of winning combinations. Further, as further evidence of a triggering event that is a winning combination, Glavich, in the same field of endeavor teaches of a trigger event for a bonus such as a jackpot that includes outcomes or other aspects of the main game such as playing a certain amount of rounds, wagering a threshold amount, accumulation of a threshold point, or achieving a certain credit or prize level. Thus, it is shown by Glavich that it is obvious for one

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skilled in the art to modify the triggering event for achieving a bonus round as in Stupak to include various other triggering events such as winning combinations so that further entertaining aspects of triggering events can be incorporated into a bonus jackpot game.

In regards to claims 12-22, these claims are substantially claiming the same invention as claims 1-11 as described above, except these claims are directed to applying the bonus event in a network comprising a multiplicity of gaming consoles. While, Stupak does not explicitly teach of applying his teachings in a network of gaming machines, it is notoriously obvious to one skilled in the art that gaming machines are commonly set in a networked environment in which a plurality of gaming machines are played together on the network.

In regards to claim 23, while Stupak does not explicitly teach of having a centralized jackpot display on which the value of the jackpot prize may be displayed, it is notoriously obvious to one skilled in the art that a centralized jackpot display is commonly used among a plurality of jackpot linked games to show the current jackpot sum so as to encourage gamers to join into the jackpot pool.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Epshteyn whose telephone number is 571-272-5561. The examiner can normally be reached on M-F 8 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC3700